

DRAWING AMENDMENTS

Attached is one sheet of formal Replacement Drawing containing Figure 2 which includes changes. This sheet of Replacement Drawing replaces the corresponding originally filed sheet including Fig. 2. In Figure 2, previously omitted labels for elements S1-S11 have been added. Also attached is an annotated copy of Figure 2 showing the changes.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS

A. Background

Claims 1-23 were pending in the application at the time of the Office Action. The Office Action rejected claims 1-9, 11-21, and 23 as being obvious over cited prior art. Claims 10 and 22 were objected to as being dependent upon a rejected base claim. By this response applicant has amended claims 1, 2, 11-16, 22, and 23. As such, claims 1-23 are again presented for the Examiner's consideration in light of the following remarks.

B. Consideration of Previously Submitted IDS

Applicant notes that an Information Disclosure Statement was filed by the applicant in the present application on April 2, 2001. Attached as Exhibit A is a copy of a returned postcard stamped by the Patent Office confirming receipt of the IDS on April 13, 2001. The present Office Action, however, fails to acknowledge receipt or consideration of the IDS or return an initialed copy of the corresponding Form PTO-1449. Accordingly, also enclosed at Exhibit A is a complete copy of the previously filed IDS. Applicant respectfully requests that the Examiner acknowledge receipt and consideration of the initial IDS filed April 13, 2001 by initialing and returning a copy of the Form PTO-1449. This request was also made in the prior response dated September 23, 2004 where a duplicate copy of the references were submitted. Because applicant has now submitted two complete copies of the references, copies of the references are not enclosed. However, applicant would be glad to submit an additional copy of the references at the Examiner's request.

C. Proposed Amendments

1. Proposed Drawings Amendments

By this response applicant has amended Figure 2 to address formal matters. Specifically, labels have been added to elements S1 – S11. These labels are supported in the application as originally filed. In view of this, applicant respectfully submits that the amendments to the drawings do not introduce new matter and entry thereof is respectfully requested.

2. Proposed Claim Amendments

By this response applicant has amended claims 1, 2, 11-16, 22, and 23. These claims have been amended to clarify that any reference to a “wireless communication station” is directed towards a “wireless mobile communication station.” Claim 22 has also been amended to correct a grammatical error. These amendments are supported by the specification as originally filed. In view of the foregoing, applicant submits that the amendments to the claims do not introduce new matter and entry thereof is respectfully requested.

D. Rejection on the Merits

Paragraph 1 of the Office Action rejected Figure 2 because “elements in FIG 2 require labels that indicate the function of each step.” Applicant has amended Figure 2 to now include labels corresponding to elements S1-S11. As such, applicant respectfully requests that the objection to the drawings be withdrawn.

Paragraphs 2-4 of the Office Action rejected claims 1-9, 11-21 and 23 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,154,461 to Sturniolo et al., in view of a number of other patent references. Applicant has herein amended the claims to replace all references of

“wireless communication station” with “wireless mobile communication station.” In a telephone interview conducted with the Examiner as part of patent application No. 09/771,121, which has similar subject matter and was similarly rejected, the Examiner stated that specifically clarifying that the wireless station is a wireless mobile station would distinguish the claims of the present application over the cited prior art. As such, in view of the claim amendments, applicant respectfully requests that the claim rejections be withdrawn.

More specifically, paragraphs 2 and 3 of the Office Action rejected claims 1, 3-9, 13, 15-18, 20 and 21 under 35 U.S.C. §103(a) as being unpatentable by U.S. Patent No. 6,154,461 to Sturniolo et al., in view of U.S. Patent No. 5,958,018 to Eng et al.

Specifically, the Office Action asserts that the Sturniolo patent discloses the claimed invention except that it “does not expressly disclose a determination step based upon the identity of the originator,” and that the Eng patent discloses “a check as to whether an origination MAC address is registered upon receiving a MAC frame.” The Office Action then asserts that “it would have been obvious ... to combine the check as to whether an origination MAC address is registered as disclosed by Eng et al. with [the] communication system disclosed by Sturniolo et al. ... to obtain the invention specified in claims 1 and 13.”

Both Sturniolo and Eng disclose wireless communication systems. Sturniolo discloses a wireless communication system that allows a mobile terminal (i.e. a wireless mobile communication station) to be able to seamlessly pass from one cell area to another when the mobile terminal is roaming. The Sturniolo patent does not disclose any methods occurring at the mobile terminal.

As is known in the art, each cell in a wireless network contains an access processor (AP) that is associated with a number of mobile terminals (see Figure 1 of the Eng patent). Communication between mobile terminals must first pass through an AP. The Eng patent discloses a wireless

services data network such that a MAC-layer handoff is used to handle intersession mobility (see Abstract, Eng). In other words, the Eng patent is directed to providing a seamless way for an AP serving a mobile terminal to pass off the service of the mobile terminal to another AP when the mobile terminal moves from one cell area to another. In the Eng patent, each AP contains a registration table that contains the MAC address of all the mobile terminals being served by the particular AP (col. 4, lines 29-32). Whenever an AP receives a communication from any mobile terminal, the AP determines if it is to service the mobile terminal by determining if the MAC address associated with the originating mobile terminal is registered in the AP's registration table (col. 4, lines 58-60, and Fig. 15). If the mobile terminal is not registered, the AP ignores the message and allows a different AP to service the mobile terminal (col. 4, lines 58-60). This registration check is performed at the AP, not the mobile terminal, and is performed so that only a single AP (the particular AP associated with a mobile terminal) will relay the message from the mobile terminal to wherever the message is going. Otherwise, many AP's could mistakenly relay duplicate messages from a single mobile terminal if the mobile terminal happened to be in an overlapping area where the signal could be received by two or more APs. Thus, this check is not done to determine if packed data is desired to be received at the mobile terminal based on the identity of an originator, nor is the check even performed by the mobile terminal; it is done by an AP to determine if a particular mobile terminal is *registered* at the AP.

In the above-mentioned telephone interview, the Examiner stated that the claimed "wireless communication station" could be read so broadly as to encompass both the Sturniolo/Eng remote terminal and AP. The Examiner stated, however, that if Applicant were to clarify that the claimed methods are performed at a wireless mobile communication station, the claims would no longer read on the Sturniolo/Eng AP because the AP is not a mobile communication station.

In view of the foregoing, Applicant submits that even assuming *arguendo* that the teachings of the Sturniolo and Eng patents were combined as asserted by the Office Action, the combination would not produce the inventions as recited in claims 1 and 13. First, the registration method taught by Eng is performed at the AP, which is not a wireless mobile communication station. Furthermore, Sturniolo does not disclose any specific methods occurring at the mobile terminal. Thus, the combination of Sturniolo and Eng would not produce “[a] method at a wireless mobile communication station,” wherein the acts of such method as recited in claim 1 are being performed “at the wireless mobile communication station.” Likewise, the combination would not produce “determining, at the wireless mobile communication station, and based upon an identity corresponding to the received network address, whether or not packet data reception from said originator is desired” as recited in claim 13.

Second, the registration method of Eng only determines at the AP whether any particular wireless mobile communication station is *serviced* by the AP. Thus, the combination of Sturniolo and Eng would not produce “determining at the wireless mobile communication station, based upon the identity, whether or not packet data reception from said originator is desired,” as recited in claim 1 nor “determining at the wireless mobile communication station and based upon an identity corresponding to the received network address, whether or not packet data reception from said originator is desired,” as recited in claim 13.

In view of the foregoing, applicant submits that claims 1 and 13 are not obvious over the Sturniolo patent in view of the Eng patent. Claims 3-9, 15-18, 20 and 21 depend from claim 1 or claim 13 and thus incorporate the limitations thereof. As such, applicant submits that claims 3-9, 15-18, 20 and 21 are not obvious over the cited prior art for at least the same reasons as discussed above with regard to claims 1 and 13.

Paragraph 4 of the Office Action rejected claims 2, 11, 12, 14, and 23 under 35 USC § 103(a) as being unpatentable over the Sturniolo patent in view of the Eng patent and further in view of U.S. Patent No. 5,654,957 to Koyama. Claims 2, 11, 12, 14, and 23 depend from claim 1 or claim 13 and thus incorporate the limitations thereof. Koyama does not satisfy the deficiencies of the Sturniolo and Eng patents, as discussed above. As such, applicant submits that claims 2, 11, 12, 14, and 23 are distinguished over the cited prior art for at least the same reasons as discussed above with regard to claims 1 and 13.

Paragraph 5 of the Office Action objected to claims 10 and 22 as being dependent upon rejected base claims, but stated that they would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Since the claims from which claim 10 and 22 depend are distinguishable over the cited prior art for at least the reasons as set forth above, applicant submits that claims 10 and 22 are now in condition for allowance.

No other objections or rejections are set forth in the Office Action.

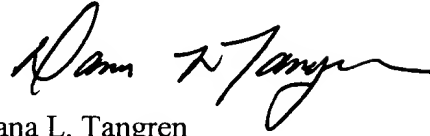
D. Conclusion

Applicant notes that this response does not discuss every reason why the claims of the present application are distinguished over the cited prior art. Applicant has merely submitted those arguments which it considers sufficient to distinguish the claims over the cited prior art.

In view of the foregoing, applicant respectfully requests the Examiner's reconsideration and allowance of claims 1-23 as amended and presented herein. In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Dated this 5th day of July 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dana L. Tangren", with a stylized flourish at the end.

Dana L. Tangren
Attorney for Applicant
Registration No. 37,246
Customer No. 022913
Telephone No. 801.533.9800

DLT:dfw

W:\152924\SW0000000042V001.DOC



2/2

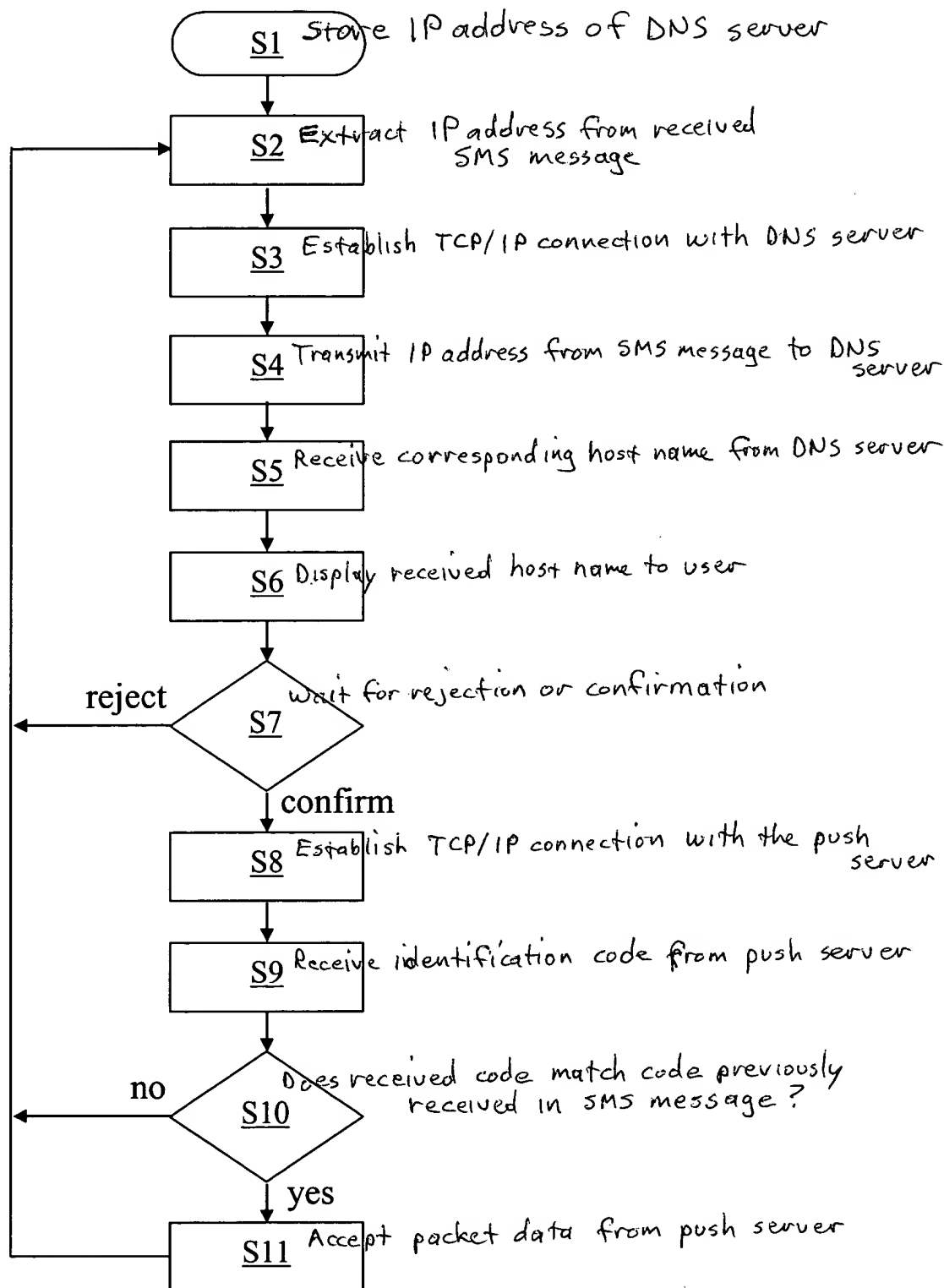


FIG. 2